

09/530114

10 Rec'd PCT/PTC 18 SEP 2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent application of)

Mark Alperovich et al.)

Serial No. 09/530,114)

National Phase of PCT/US98/23625)

Filed: April 25, 2000)

For: FLUORESCENT COMPOSITION FOR)
THE MANUFACTURE OF CD-ROM)
TYPE OPTICAL MEMORY DISKS)



Atty. Dkt. No.: 109289.00138

HC:DJE:

DECLARATION OF ALEXANDER LIBIN

Assistant Commissioner of Patents
Box PCT
Washington, D.C. 20231

Sir:

In support of the Petition under 37 C.F.R. §1.47(a) filed in the above-captioned application, I, Dr. Alexander Libin, hereby declare as follows:

1. I am President of OMD Ltd.
2. Full copies of the specification of the above-captioned patent application, with the Declaration and Power of Attorney and Assignment for execution by Dr. Glushko and Dr. Krupkin, were sent by registered mail to Dr. Glushko and Dr. Krupkin for execution. Copies of the cover letters are attached hereto as Exhibit A and Exhibit B. Copies of the registered mail receipts are attached hereto as Exhibit C and Exhibit D, in which the handwritten portion shows the name and address of Dr. Glushko in Exhibit C and of Dr. Krupkin in Exhibit D, and in which the date stamp shows a date of receipt of May 8, 2000, in the Israeli postal service.
3. Additional full copies of the specification of the above-captioned patent application, with the Declaration and Power of Attorney and Assignment for execution by Dr. Glushko and Dr. Krupkin, were sent by mail hand delivery to Dr. Glushko and Dr. Krupkin for execution. Copies of the cover letters are attached hereto as Exhibit E and Exhibit F. Copies of the confirmation of delivery to Dr. Glushko and to Dr. Krupkin are

attached hereto as Exhibit G and Exhibit H, showing hand delivery to both recipients on June 16, 2000, and bearing Dr. Glushko's signature and Dr. Krupkin's signature, respectively.

4. On each of Exhibits G and H, the numbered portions have the following significance:

1. "Confirmation of delivery inside Israel"

2. "Attached to the mail delivery for:"

3. Name and address of the addressee, namely, "Dr. B. Glushko, 19/6 Rotshild Str., Ashdod" on Exhibit G and "Dr. V. Krupkin, 5/27 Reuven & Batsheva Str., Rishon Le-Zion 75357" on Exhibit H

4. "I, [name of mail carrier], declare that I visited the address of the addressee on [date indicated], at [time indicated]." In Exhibit G, the date and time are June 16, 2000, at 11:00 a.m. In Exhibit H, the date is June 16, 2000, but the mail carrier left the time blank.

5. "Particulars of the visit"

6. "Particulars of the delivery"

7. "To the hands of the addressee" This box is checked on both of Exhibits G and H.

8. "Receiver"

9. Name

10. Signature (however, on Exhibit H, Dr. Krupkin has signed in the space provided for the recipient's name, indicated as 9).

11. "Postman"

12. Name

13. Signature

14. Date

5. On July 2, 2000, at around 1:30 p.m., I met Dr. Glushko in the premises of the Tel Aviv Labor Court. Dr. Glushko asked me not to send him powers of attorney or other documents for his signature in connection with patent applications, since he would never agree to sign such documents for any patent applications filed on behalf of OMD Ltd., Tri

D Store Inc., Tri D Store Ltd., OMD Devices LLC or any other company affiliated with Constellation 3D, Inc.

Dr. Krupkin has refused to sign at least four applications for companies affiliated with Constellation 3D, Inc. Thus, his consistent conduct constitutes a refusal to sign.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of any application with which this Declaration is concerned or any patent issued thereon.

Respectfully submitted,

BY:


Dr. Alexander Libin

Date:

10.9.2000

101

OMD LTD, Prof. Bergman Str. 2.
Science Park Rabin,
Rehovot, 76327, Israel.
Tel: 972-8936-6417:
Fax: 972-8936-6419



OMD
Optical Memory
Devices LTD

Registered

May 5, 2000

Dr. B. Glushko,
19/6 Rotshild Str.
Ashdod, Israel

Re: US National Phase of PCT Patent
Application No. PCT/US98/23625;
For Fluorescent Composition for... Memory discs"
In the name of TriD Store IP L.L.C.

Dear Dr. Glushko,

Please find enclosed Declaration/Power Of Attorney and
Assignment forms for abovementioned Patent Application
filed in regard to your service inventions.

Kindly have the originals of the documents signed and return
me as soon as possible so as to proceed further with filing
them in the Patent Office.

Sincerely,


Dr. A. Libin, CEO

Encl.

Exhibit A

BEST AVAILABLE COPY

102

OMD LTD, Prof. Bergman Str. 2,
Science Park Rabin,
Rehovot, 76327, Israel.
Tel: 972-8936-6417;
Fax: 972-8936-6419



OMD
Optical Memory
Devices LTD

Registered

May 5, 2000

Dr. Vladimir Krupkin,
5/27 Reuven & Batsheva Str.
Rishon Le-Zion, 75357

Re: US National Phase of PCT Patent Application No. PCT/US98/23625;
For Fluorescent Composition for... Memory discs"
In the name of TriD Store IP L.L.C.

Dear Dr. Krupkin,

Please find enclosed Declaration/Power Of Attorney and Assignment
forms for abovementioned Patent Application filed in regard to
invention created in accordance with your contracting obligations
towards OMD Ltd.

Kindly have the originals of the documents signed and return me as
soon as possible so as to proceed further with filing them in the
Patent Office.

Sincerely,

Dr. A. Libin, CEO

Encl.

Exhibit B

0505VKr

BEST AVAILABLE COPY

OMD LTD, Prof. Bergman Str. 2,
Science Park Rabin,
Rehovot, 76327, Israel.
Tel: 972-8936-6417;
Fax: 972-8936-6419



OMD
Optical Memory
Devices LTD

Registered + Hand Delivery

June 11, 2000

Dr. B. Glushko,
19/6 Rotshild Str.
Ashdod, Israel

Re: US National Phase of PCT Patent Application
No.PCT/US98/23625;
For "Fluorescent Composition for... Memory discs"
In the name of TriD Store IP L.L.C.
Our Ref.: 101

Dear Dr. Glushko,

Please find enclosed copy of specification and drawings,
Declaration/Power Of Attorney and Assignment forms for
abovementioned Patent Application filed in regard to your
service inventions.

Please note, that this application (PCT/US98/23625) was
published and is public domain, free of charge through IBM
or European Patent Office Internet sites.

Kindly have the originals of the forms signed and return me
as soon as possible so as to proceed further with filing them
in the Patent Office.

Sincerely,


Dr. A. Libin, CEO

BEST AVAILABLE COPY

0611101BGI

Exhibit E

OMD LTD, Prof. Bergman Str. 2,
Science Park Rabin,
Rehovot, 76327, Israel.
Tel: 972-8936-6417;
Fax: 972-8936-6419



OMD
Optical Memory
Devices LTD

Registered + Hand Delivery

June 11, 2000

Dr. Vladimir Krupkin,
5/27 Reuven&Batsheva Str.
Rishon Le-Zion, 75357

Re: US National Phase of PCT Patent Application No. PCT/US98/23625;
For "Fluorescent Composition for... Memory discs".
In the name of TriD Store IP L.L.C.
Our ref.: 101

Dear Dr. Krupkin,

Please find enclosed copy of specification and figures,
Declaration/Power Of Attorney and Assignment forms for
abovementioned Patent Application filed in regard to invention
created in accordance with your contracting obligations towards
OMD Ltd.

Please note, that this application was published and is public domain,
free of charge through IBM or European Patent Office Internet sites.
Kindly have the originals of the forms signed and return me as soon
as possible so as to proceed further with filing them in the Patent
Office.

Sincerely,


Dr. A. Libin, CEO

Encl.

Exhibit F

0611101VKr

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[illegible]

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Exhibit H